

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

ROBERT HOLMAN,

Plaintiff,

v.

No. 1:21-cv-01085-STA-jay

THOMAS J. VILSACK, in his official capacity as
Secretary of the United States Department of
Agriculture, et al.,

Defendants.

**THE NATIONAL BLACK FARMERS ASSOCIATION AND
THE ASSOCIATION OF AMERICAN INDIAN FARMERS' UNOPPOSED
MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN OPPOSITION TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
AND MEMORANDUM OF FACTS AND LAW IN SUPPORT**

The National Black Farmers Association (NBFA) and the Association of American Indian Farmers (AAIF) move for leave to submit the enclosed brief as *amicus curiae* in opposition to Plaintiff's motion for preliminary injunction in the above-captioned case. Plaintiff's motion seeks to enjoin provisions of the American Rescue Plan Act that provide loan forgiveness to socially disadvantaged farmers and ranchers who have direct farm loans with the United States Department of Agriculture (USDA) or have loans guaranteed by USDA.

NBFA and AAIF are non-profit, membership-based organizations that advocate for the interests of Black and Native American farmers, respectively. NBFA and AAIF have a direct interest in opposing Plaintiff's motion because their members are eligible for the law's loan forgiveness provisions and would thus be harmed should the Court enjoin the law.

NBFA and AAIF therefore request leave to submit the enclosed four-page amicus brief focused on the Court's balancing of the equities in considering Plaintiff's motion. This brief provides the Court with the unique perspectives of socially disadvantaged farmers who stand to

benefit from the challenged laws and would be harmed by Plaintiff's request—and whose voices are not currently before the Court. District courts have broad discretion to determine whether *amicus curiae* may participate in a proceeding. *See United States v. State of Mich.*, 940 F.2d 143, 165 (6th Cir. 1991) (amicus participation is “a privilege within the sound discretion of the courts”).

The proposed *amicus* brief is appended as an attachment to this Motion.

Dated: June 24, 2021

Respectfully submitted,

PUBLIC JUSTICE, P.C.

/s/ Randolph T. Chen

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Association and the Association of American
Indian Farmers*

CERTIFICATE OF CONSULTATION

Pursuant to LR 7.2, I certify that I conferred by email with counsel for Plaintiff and Defendants regarding this Motion for Leave to File *Amicus Curiae* Brief. Counsel for Plaintiff stated by email on June 10, 2021 that he had no opposition to the Motion. Counsel for Defendants stated by email on June 9, 2021 that Defendants do not oppose the Motion.

/s/ Randolph T. Chen

Randolph T. Chen

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed via the court's CM/ECF system on June 24, 2021, which will serve all counsel of record.

/s/ Randolph T. Chen
Randolph T. Chen